

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
CLARKSBURG DIVISION**

**REGENERON PHARMACEUTICALS,
INC.,**

Plaintiff,

Case No. 1:22-cv-00061-TSK

v.

**MYLAN PHARMACEUTICALS INC.,
and BIOCON BIOLOGICS INC.,**

Defendants.

**AMGEN’S RESPONSE TO THE AUGUST 25, 2023 JOINT
NOTICE REGARDING UNSEALING AND REDACTION OF FILINGS (DKT. 608)**

Pursuant to this Court’s Order entered May 31, 2023, on Friday, August 25, 2023, Plaintiff Regeneron Pharmaceuticals, Inc. (“Regeneron”) and Defendants Mylan Pharmaceuticals Inc. and Biocon Biologics Inc. (“Mylan”) submitted a Joint Notice Regarding Unsealing and Redaction of Filings (Dkt. 608) (“Joint Notice”) outlining certain docket entries to be unsealed or filed in the public record with redactions in response to Amgen’s Motion to Intervene for the Limited Purpose of Asserting the Public Interest in Access to Judicial Records.

AMGEN AGREES WITH THE JOINT NOTICE

Amgen agrees that Regeneron and Mylan have agreed to unseal certain filings and to file redacted versions of other filings in the public record as identified in the Joint Notice. As Regeneron and Mylan stated in the Joint Notice, “Amgen is agreeable to the plan outlined above, while reserving the right to meet and confer with the parties regarding the unsealing of further docket entries.” (Dkt. 608 at 3.) Amgen understands that Regeneron and Mylan will move forward

with filing redacted versions of certain filings and unsealing others within seven days of the Joint Notice (*i.e.*, by Friday, September 1, 2023).

THE MEET-AND-CONFER PROCESS IS ONGOING

Amgen files this response to clarify that Amgen understands that the meet-and-confer process among the parties is ongoing, and Amgen expects to request that Regeneron and Mylan unseal additional docket entries (or file redacted versions in the public record). Although the parties met and conferred on August 18, 2023, Regeneron and Mylan only sent Amgen a list of particular documents they agreed to unseal on August 25, 2023 (the day the Joint Notice was due). Amgen understood that the parties would continue to discuss additional documents that should be filed in the public record, including, by way of example, post-trial briefing, proposed findings of fact, and proposed conclusions of law, all of which are part of the trial in this case and within the scope of documents to which the public has a right of access. Amgen expects to continue the meet-and-confer process as soon as practical and will work with Regeneron and Mylan to update the Court.

AMGEN REQUESTS ACCESS TO THE COURT'S FULL DOCKET SHEET

Amgen has not been able to access a complete docket sheet listing all filings in this case including all sealed filings. As noted in Amgen's motion (Dkt. 486 at 2), the docket sheet available on PACER does not list all sealed filings, but instead has numerous gaps where Amgen believes sealed filings should appear. Amgen is therefore unable to request that the parties unseal specific docket entries because Amgen cannot review the complete docket sheet. The parties have indicated that they also do not have access to a complete docket sheet.

Amgen therefore respectfully requests that the clerk's office be directed to provide a complete docket sheet to counsel for Regeneron, Mylan, and Amgen to facilitate further discussion

about what sealed documents should be unsealed. In the meantime, Amgen intends to continue to meet and confer with Regeneron and Mylan to identify additional filings that should be unsealed or filed with redactions, to the extent possible without access to the complete docket sheet.

Respectfully submitted,

Date: August 29, 2023

/s/ John H. Tinney, Jr.
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CERTIFICATE OF SERVICE

I hereby certify that on August 29, 2023, I electronically filed the foregoing with the Clerk of the Court by using the Court's CM/ECF system. Counsel of record for all parties will be served by the Court's CM/ECF system.

/s/ John H. Tinney, Jr.
John H. Tinney, Jr. (WVSB No. 6970)